THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 20559 of 1997

Dated: 19-12-2006

Between:

Kalluri Venkataramana and another

..... PETITIONERS

AND

The Mandal Revenue Officer,
Dummugudem, Khammam District and 3 others.

.....RESPONDENTS

THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 20559 of 1997

O R D E R:

This writ petition is filed seeking a declaration that the action of the first respondent in issuing title deeds and passbook bearing No.115152 vide Patta No.264 in favour of the

4th respondent is arbitrary and illegal.

This Court, while directing Rule Nisi, by order, dated 29-08-1997, granted interim suspension of the pattadar passbook issued in favour of the 4th respondent under Patta No. 264 in respect of land situated in Sy.No.59/2/E of Anjubaka village.

In the counter affidavit filed by the 4th respondent, it is stated that she purchased the land in question on 24-03-1976 from the father of the writ petitioners and since then she has been in possession and enjoyment of the same. Her name has been shown in the revenue records as possessor and cultivator and having made due enquiry into all the relevant aspects, the

1st respondent had rightly granted the title deeds and passbook in her favour.

From the material on record, it is clear that the matter involves several disputed questions of fact, which cannot be enquired into and decided by this Court in exercise of jurisdiction under article 226 of the Constitution of India.

As a matter of fact under Andhra Pradesh Rights in Land and Pattadar Passbooks Act, 1971 (for short 'the Act') an efficacious alternative remedy of appeal is available against the impugned order and the petitioners, if aggrieved ought to have availed the same.

Accordingly, without expressing any opinion on merits, the writ

petition is disposed of granting leave and liberty to the petitioners to work out the remedy of appeal. However, keeping in view the facts and circumstances of the case , the impugned order shall remain suspended for a period of 8 weeks from today. No costs.

G. ROHINI, J

Dated:19-12-2006
KLP